

VZCZCXRO0179
PP RUEHBC RUEHDE RUEHDH RUEHIHL RUEHKUK
DE RUEHKU #0514/01 1411521
ZNY CCCCC ZZH
P 211521Z MAY 09
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 3378
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 1432
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 000514

SIPDIS

NEA/ARP, NEA/I

E.O. 12958: DECL: 10/14/2019
TAGS: [PREL](#) [PBTS](#) [PGOV](#) [KU](#) [IZ](#)
SUBJECT: KUWAIT SEEKS USG SUPPORT TO KEEP IRAQ UNDER
CHAPTER VII MANDATE

REF: BAGHDAD 937

Classified By: Political Counselor Pete O'Donohue for reasons 1.4 b and
d

SUMMARY

1. (C) Amiri Advisor Muhammad Abulhassan told Ambassador Hill, during a May 18 stopover in Kuwait, that the GOK is deeply worried about Iraq's campaign to disencumber itself from the UN Chapter VII mandate and is therefore seeking P-5 support. The GOK views continued UN leverage as essential in obtaining progress from Iraq on resolving several critical issues, including the return of Kuwaiti missing persons and archives from the 1990 invasion, compensation on oil sector and environmental damages, and the resolution of border issues. In a separate May 18 meeting, MFA U/S Jarallah emphasized to Ambassador Jones and Embassy Baghdad Senior Advisor Gray the GOK's view that Iraq's behavior towards Kuwait is a litmus test for its behavior towards the wider region; if Iraq is not seen as resolving its disputes with Kuwait equitably, and in accordance with UN-mandated guidelines, the entire region - and particularly Saudi Arabia - will put obstacles in its path. End summary.

Concern Over GOI Efforts to Avoid Chapter VII Obligations

2. (C) During a brief May 18 stopover in Kuwait, Embassy Baghdad Ambassador Hill, joined by the Ambassador, met with Amiri Advisor Muhammad Abulhassan to review the Kuwait-Iraq bilateral relationship. Embassy Baghdad Senior Advisor Gray and Embassy Kuwait PolCouns also participated in the meeting; present on the GOK side were Ambassador Ali Al-Mou'min, Kuwait's Ambassador to Iraq and Ambassador Ali Sammak, Director of MFA's America's Bureau. Following opening remarks concerning his efforts to establish a relationship with Prime Minister Maliki, Ambassador Hill noted Iraq's interest in lifting Chapter VII sanctions. Noting that he had told Prime Minister Maliki that such an outcome would require further progress on the Iraq-Kuwait relationship, Hill sought Abulhassan's views and inquired how the USG could best contribute to advancing the relationship.

Kuwait-Iraq Relationship "Good" but Could Be Better

3. (C) In response, Abulhassan stated his appreciation for Ambassador Hill's expression of interest in helping to move the relationship along and noted that, overall, the GOK-GOI relationship is "good", but the goal should be to make it "excellent." Abulhassan stated that Iraq's recent initiative to "get out from under Chapter VII" -- as detailed in Iraqi Foreign Minister Zebari's March 10 letter to the UN Secretary General -- presented a serious obstacle to the goal of

improved bilateral relations as there can be "no shortcuts." Iraq is not fully in compliance with its obligations under Chapter VII, Abulhassan remarked, and the Zebari letter provides evidence of that fact. In the GOK's view, Abulhassan continued, there remain unfulfilled Iraqi obligations in several important areas: progress in locating and returning the remains of Kuwaiti missing persons from the 1990 invasion; the return of Kuwait's stolen national archives; resolution of compensation claims (by Kuwait and other countries) for damage done to the environment and oil sector; and an Iraqi commitment to respect, per UNSC 833, the two countries internationally-agreed common land border.

GOK Details Areas of Concern

14. (C) Abulhassan noted the following:

-- While the issue of missing Kuwaiti citizens affects only some 264 families, it is a deeply felt wound and also raises some sensitive religious and cultural issues; the wives of some of the missing cannot be declared "widows" until their husbands can be definitively determined to be deceased -- as through the recovery of remains -- thus creating lingering problems of status and inheritance rights. For this issue to be resolved, it is essential for Iraq to offer "genuine cooperation" through the Tripartite Commission that has been established for this purpose; to date, such cooperation has not been forthcoming.

-- On the subject of Kuwait's archives, Abulhassan said he believed Iraq had stolen these to find evidence it could use

KUWAIT 00000514 002 OF 003

to demonstrate that Kuwait had "betrayed" Iraq prior to the 1990 war, but had not found anything to substantiate such claims. Rather, the Kuwaiti archive contained "unique" historical documents relating both to internal government decisions and Kuwait's diplomatic relations with other countries; return of these documents is an important matter for the GOK. The GOK does not believe it will be useful to try to resolve this issue bilaterally with Iraq; the GOK views it as essential to continue to work through the good offices of the Secretary General's High-Level Coordinator (Ambassador Gennady Tarasov), whose work on the Kuwaiti missing persons and archives falls under the Chapter VII mandate.

-- Concerning the compensation issue, Abulhassan noted that Kuwait's estimated share of oil sector and environmental damages amounts to about USD 25 billion (standing apart from private sector damages amounting to about USD 50 billion). Iraq has indicated it wants to transfer the mandate for resolving these claims from under the UN umbrella and resolve them on a bilateral basis; this is unacceptable to the GOK. (Note: Kuwaiti MFA officials in the meeting said that Kuwaiti and Iraqi officials would meet on May 19 in Amman to examine aspects of this issue; the Iraqis having declined an opportunity to meet in Geneva, which the Kuwaitis thought appeared in Iraqi eyes to be too much of a UN-influenced city. Abulhassan expressed mild frustration that the Amiri Diwan was not fully looped in on these plans, indicating that the Diwan may have insisted on maintaining the meeting venue in Geneva. End note.)

-- The GOK is also deeply concerned about any attempt by Iraq to resolve common border issues outside Chapter VII and, particularly, outside the framework of UNSC 687 and 833. Kuwaiti concerns were revived recently when Iraqi Deputy Foreign Minister Haj Hamoud suggested in a press interview that border issues between Kuwait and Iraq that were delineated by the UN should, instead, have been resolved bilaterally. Abulhassan noted that such arguments led to past friction between the two countries; any discussion of the land borders now should be resolved under the umbrella of Chapter VII and consistent with UNSCR 687 and 833.

Abulhassan acknowledged that resolution of the sea border is a "pending matter." (Note: Kuwait holds that UNSCR 833 has established irrevocably the demarcation of land boundaries as, in the earlier words of FM Dr. Mohammed, an "eternal commitment." End note.)

GOK Desires UN Leverage

15. (C) Summing up, Abulhassan suggested that Iraq's motivation in seeking an end to its Chapter VII obligations is that it will have far greater scope to pressure Kuwait to yield on important issues if it can do so on a purely bilateral basis; Kuwait, on the other hand, needs the leverage it obtains through UN engagement to obtain a just result. Abulhassan noted that the GOK will continue to press the case for a continuation of the Chapter VII mandate and, to this end, is engaged in a diplomatic effort to win P-5 support.

MFA Official Raises Related Concerns

16. (C) Earlier on May 18 (prior to Ambassador Hill's arrival) Ambassador Jones -- accompanied by Senior Advisor Gray and PolCouns -- called on MFA Undersecretary Khaled Al-Jarallah for a discussion of Kuwait's bilateral relationship with Iraq. After brief introductions, Gray told Jarallah that, in his view, the bilateral relationship had seen progress over the past year -- highlighted by such events as Kuwait's decision to send an ambassador to Baghdad and the Kuwaiti Foreign Minister's February visit -- until the difficult exchange on March 30 between Kuwait's Amir and Prime Minister Maliki on the margins of the Doha Summit in which Maliki indicated that he did not view the two countries' shared border as permanent (reftel). Jarallah interrupted at this point, noting that he had been present at the Doha meeting and that no such discussion had occurred. Jarallah added that the exchange between the Amir and Prime Minister Maliki had, instead, revolved around Maliki's desire to obtain the lifting of remaining UN Chapter VII sanctions against Iraq. According to Jarallah, the Amir had responded to Maliki by noting that, in Kuwait's view, several bilateral issues had to be resolved before Kuwait could agree to the lifting of Chapter VII and these included getting Iraq to agree to the following:

KUWAIT 00000514 003 OF 003

- maintenance of existing border markers;
- payment of compensation (from a UN fund to which Kuwait has already contributed money) to Iraqi farmers to enable them to move away from a location that presently encroaches on Kuwaiti territory;
- joint demarcation of the two countries' sea borders; and,
- further progress on recovering the remains of Kuwaiti persons missing from the 1990 invasion.

Clarification on Border Issue

17. (C) Underscoring that Prime Minister Maliki had "never" stated that he did not recognize the two countries' shared border, Jarallah reiterated that the GOK views it as essential to have the remaining issues resolved within the framework of Chapter VII and under the "umbrella of the UN." If this does not occur, he added, Iraq will again be in a position to threaten regional security and stability. Without the leverage the UN provides, Jarallah cautioned, Kuwait would never reach any agreement with the Iraqis. For this reason, the GOK will continue to seek the support of the USG and the P-5 for the maintenance of the Chapter VII regime until these issues are resolved. (Note: Jarallah repeatedly has sought to downplay friction between the Amir and Maliki on the margins of the Doha summit, but we know from other sources, i.e. the FM, that the Amir was extremely upset. End

note.)

"Sweet Words" from Iraqis

18. (C) Responding to a query from the Ambassador about the status of a bilateral committee that the two sides have reportedly organized to tackle issues at the working level, Jarallah said the GOK "hears sweet words" from the Iraqis, but has seen little momentum. The Kuwaiti MFA received some Iraqi delegates recently to discuss technical issues related to plans to build houses for the Iraqi farmers who both sides have tacitly agreed will be removed from their present location on the Kuwaiti border and technical improvements to the Safwan border crossing. After what appeared to be positive exchanges, Jarallah noted, the Iraqis returned home and nothing further has been heard from them; both projects remain on hold. Jarallah indicated that the GOK views such frustrating inaction from its Iraqi interlocutors as standard. Gray noted the difficult relationship between the Iraqi MFA and the Prime Minister's office and the "broken" interagency process in Iraq.

Kuwait Is A Litmus Test

19. (C) Jarallah suggested that, in MFA's view, Kuwait sees little benefit from overtures to the present government in Iraq and assesses that it will have to await the outcome of January 2010 elections in Iraq in the hopes of finding a more responsive set of interlocutors; it is unlikely that Kuwait will send its Prime Minister to Baghdad before then. In reply, Gray noted that the GOK has "consistently taken the high road" in its efforts to build the bilateral relationship and encouraged the GOK to continue doing so. He advised the GOK not to wait until after the Iraqi elections, both because the stakes are high and because USG influence with the GOI is likely to be greater in 2009 than in 2010 or thereafter. Jarallah, in response, downplayed Kuwaiti influence, insisting that it is "only the U.S. that can really influence the Iraqis." This is an "essential role" for the U.S., Jarallah said, and if it succeeds in obtaining more forthcoming behavior from the GOI then Kuwait, Saudi, and "all the GCC states" will begin to accept the Maliki government and view it as something truly different from the Saddam regime. If Iraq does not pursue a moderate and rational path, Jarallah cautioned, all the Gulf states will place obstacles in its path. Iraq's behavior toward Kuwait, in this regard, is a litmus test for its behavior in the whole region.

For more reporting from Embassy Kuwait, visit:
visit Kuwait's Classified Website at:

<http://www.intelink.sgov.gov/wiki/Portal:Kuwa> it

JONES